

Exhibit 1

KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C.

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May 14, 2021

Via electronic mail

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Re: *In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Counsel:

We write on behalf of the Kingdom of Saudi Arabia (“Saudi Arabia”) regarding the deposition of Musaed Al Jarrah scheduled for June 17 and 18, 2021.

Saudi Arabia will assert immunity under the Vienna Convention on Diplomatic Relations of 1961 (“VCDR”) at Mr. Al Jarrah’s deposition. From February 8, 1991 until February 26, 2006, Mr. Jarrah was registered with the United States Department of State as an “administrative and technical staff member for the embassy of Kingdom of Saudi Arabia.” Ltr from Clifton C. Seagroves, Acting Director, Office of Foreign Missions U.S. Dep’t of State, Ref: 21-552 (Apr. 20, 2021) (attached). Mr. Al Jarrah is therefore “not obliged to give evidence as a witness,” VCDR art. 30(a), *see also* art. 37(2), “with respect to acts performed by [him] in the exercise of his functions as a member of the mission,” *id.* art. 39(2). *See also* ECF No. 6408, at 13-14.

The scope of Mr. Al Jarrah’s immunity follows from the reasoning in the Court’s August 27, 2020 Order, which the Court indicated should “provide . . . guidance to the parties regarding . . . other deponents” than the ones specifically addressed. *Id.* at 20. As the Order explains, VCDR immunity bars Plaintiffs from asking questions regarding “acts . . . performed in the exercise of . . . diplomatic functions. *Id.* at 21. For instance, questions regarding Mr. Al Jarrah’s “day-to-day work” at the Embassy are prohibited. *Id.* Similarly, questions about “officials’

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decision-making" in the exercise of Mr. Al Jarrah's diplomatic functions are "impermissible." *Id.* Saudi Arabia will object to any questions along these lines at Mr. Al Jarrah's deposition and will instruct him not to answer, or to answer without revealing privileged information.

Saudi Arabia will, however, permit Mr. Al Jarrah to testify at his deposition as to interactions or communications (if any) that he had with Omar Al Bayoumi, Fahad Al Thumairy, Nawaf Al Hazmi, and Khalid Al Mihdhar. Saudi Arabia will also allow Mr. Al Jarrah to testify as to whether he, or to his knowledge anyone else, provided instructions to anybody to assist Mr. Al Hazmi or Mr. Al Mihdhar. By permitting Mr. Al Jarrah to answer questions on these specific topics at his deposition, Saudi Arabia does not waive its VCDR immunities or any other applicable privilege.

Please confirm in writing that Plaintiffs consent to these parameters. If Plaintiffs do not consent, Saudi Arabia will move the Court for a protective order.

Sincerely,

/s/ Andrew C. Shen

Andrew C. Shen

Counsel for the Kingdom of Saudi Arabia



United States Department of State

Office of Foreign Missions

Washington, D.C. 20520

April 20, 2021

REF: 21-552

RE: Musaed A. AL JARRAH

This is to certify that the Office of Foreign Missions, U.S. Department of State, is responsible for overseeing the registration and maintenance of the official records of certain diplomatic agents, consular officers, and other employees of foreign governments and international organizations in the United States and its territories, and their family members.

The official records of the Office of Foreign Missions, indicate that Mr. Musaed A. AL JARRAH, born December 19, 1960, was notified to the Department as assuming his duties as an administrative and technical staff member for the Embassy of Kingdom of Saudi Arabia, effective February 8, 1991 until February 26, 2006.

A handwritten signature in blue ink, appearing to read 'C. Seagroves', written over a horizontal line.

Clifton C. Seagroves
Director, Acting
Office of Foreign Missions